

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:22-CV-61553-DIMITROULEAS/HUNT

CRUZ VALDIVIESO FIGUERA,

Plaintiff,

vs.

ALL VIP CARE INC. AND
LIZ VELAZQUEZ MCKINNON

Defendants.

DECLARATION OF CRUZ VALDIVIESO FIGUERA

I, Cruz Valdivieso Figuera, make the following declaration pursuant to 28 U.S.C. §1746 and declare the following under penalty of perjury:

1. My name is Cruz Valdivieso Figuera.
2. I make this Declaration based on my personal knowledge.
3. I am the Plaintiff and became the Counter-Defendant in this case.
4. I am over 18 years old, *sui juris*, and competent to testify to the matters contained in this Declaration.
5. I worked for All VIP Care, Inc. as a Home Health Aide.
6. I stopped working for All VIP Care, Inc. after they accused me of stealing clients, told me that I would not be paid for all the work I performed, and then did not pay me all the money I earned.
7. I tried to get All VIP Care, Inc. to pay me the money I earned before I hired a lawyer, but they would not.

8. As I testified at trial, I had to get a loan so I could pay my bills because All VIP Care, Inc. refused to pay me for all the hours I worked.

9. I then contacted the law firm of WorkInjuryRights.com to see if they could represent me to recover the money I was owed.

10. I explained my situation to WorkInjuryRights.com, but they refused to represent me and suggested I contact FairLaw Firm to see if Mr. Pollock's firm would take my case and help me.

11. I next consulted with Mr. Pollock's firm. He agreed to meet with me, and he then agreed for his firm to represent me on a contingent basis, meaning that I would not have to pay any attorney's fees or costs unless and until I recovered a settlement or judgment, to recover the money that the Defendants owed me.

12. After I filed a lawsuit against All VIP Care, Inc. and Ms. McKinnon in this Court, and after this lawsuit was served on All VIP Care, Inc., All VIP Care, Inc. filed a lawsuit against me in the Circuit Court for Broward County, Florida, and then served me with the lawsuit.

13. Mr. Pollock and his firm appeared in and represented me in the state court case that All VIP Care, Inc. brought against me. I paid Mr. Pollock's firm \$2,500 to defend me in the state court case. That was a lot of money for me to pay, especially considering the money I make.

14. This Court then allowed All VIP Care, Inc. to amend its defenses and bring Counterclaims against me in this Court, even though we opposed that request.

15. All VIP Care, Inc. stopped its lawsuit against me in the Circuit Court for Broward County, Florida, and did not pursue its claims against me any further in that Court.

16. Mr. Pollock and his firm continued to represent me in this case, not only to recover the wages and money I was trying to recover but also to defend me against the claims that All VIP Care, Inc. brought against me.

17. All VIP Care, Inc. moved forward with its claims against me in this Court, and Mr. Pollock and his firm continued to represent me in this Court on a contingent basis to not only recover the money I was claiming from All VIP Care, Inc. and Ms. McKinnon but also to defend me against the Counterclaims that All VIP Care, Inc. brought against me.

18. I was very afraid of what could happen to me because of the claims that All VIP Care, Inc. brought against me. It claimed it lost a lot of money and wanted me to pay it a lot of money. I also understood it brought other claims against me to prevent me from continuing to work in a profession that I love – helping elderly people who cannot care for themselves and who need companionship.

19. I know that my lawyers put a lot of work into my case, and the results proved this.

20. My attorneys convinced the Court that All VIP Care, Inc. did not pay me, the Court ruled in my favor without even needing the jury, and I already received a direct deposit from All VIP Care, Inc. for the amount awarded by the Court.

21. My attorneys also convinced the Court that All VIP Care, Inc. did not prove any of the claims it brought against me, including its claims to recover money from me and its claims to try and prevent me from working for other companies as a home health aide.

22. For me, the biggest victory in the case was not the money that I received but the rulings that I did not steal any clients, did not convince any clients to leave All VIP Care, Inc., and did not violate any of the provisions of the contract I signed with All VIP Care, Inc.

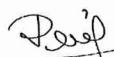
23. Based on the difficulty I had in finding a lawyer to represent me, based on Mr. Pollock's firm's representing me on a purely contingent basis in this case, and based on my winning on all the Counterclaims that All VIP Care, Inc. brought against me, I believe that the Court should award Mr. Pollock a fee that takes into account the risks of his firm not getting paid anything, the costs

that his firm had to spend to win my case, the time he and his firm could have spent working on cases for other and fee-paying clients, and for allowing me to continue to work in a profession that I love.

Dated this 22nd day of December 2023.

DECLARATION

By my signature below, I execute this declaration in Broward County, Florida, and declare under penalty of perjury that the foregoing is true and correct.

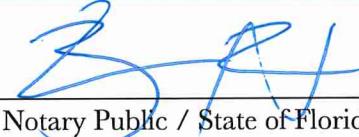
By 
CRUZ VALDIVIESO FIGUERA

INTERPRETER'S ACKNOWLEDGEMENT

On December 22, 2023, Steffany Sanguino, who is personally known to me, affirmed that the foregoing was translated for CRUZ VALDIVIESO FIGUEROA and that she fully understood the contents of the foregoing.



Interpreter's Signature



Notary Public / State of Florida

